

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-0046-JMS-MJD
)	
SIR CHARLES DAVID BROWN,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 1, 2020, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 10, 2020. Defendant Brown appeared in person with his appointed counsel Joseph Cleary. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Brown of his rights and ensured Defendant had a copy of the Petition.
2. After being placed under oath, Defendant Brown admitted violation no. 1 as set forth in the Petition. [Dkt. No. 47.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

1

“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”

On the following dates the offender submitted positive urinalysis' tests:

January 15, 2020, positive for marijuana;
February 21, 2020, positive for marijuana;
February 25, 2020, positive for marijuana and diluted;
March 10, 2020, positive for marijuana;
March 30, 2020, positive for marijuana;
April 22, 2020, positive for marijuana and diluted;
July 7, 2020, positive for marijuana;
July 23, 2020, diluted;
August 5, 2020, positive for marijuana.

Additionally, the offender failed to report as directed for urine tests on April 16, 2020, May 21, 2020, May 27, 2020, and June 4, 2020.

4. The Court finds that:


- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.

5. The parties jointly recommended a modification of the conditions of Defendant's supervised release to include extending Defendant Brown's location monitoring to and including October 8, 2020, with zero tolerance for future violations.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in the Petition, and recommends that Defendant's supervised release be modified to include an extension of Defendant Brown's location monitoring requirement to and including October 8, 2020.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 1 SEP 2020



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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